UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,510	01/27/2004	Myoung-soon Choi	Q78873	9955

23373   7590   08/03/2007

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EXAMINER
NGUYEN, CAM LINH T

ART UNIT	PAPER NUMBER
2161	

MAIL DATE	DELIVERY MODE
08/03/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/764,510	CHOI, MYOUNG-SOON
	Examiner	Art Unit	
	CamLinh Nguyen	2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>09 July 2007</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1,2,4-16 and 18-40</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-2,4-16,18-40</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>27 January 2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some *   c)☐ None of:

        1.☒ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 7/9/07 has been entered.

2.   Applicant's amendments to claims 1 – 36 are acknowledged. Consequently, claims 3 and

17 have been cancelled; claims 37 – 40 have been added; claims 1 – 2, 4 – 16, 18 - 40 are

currently pending.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

4.   Claims 1 – 2, 4 – 16, 18 - 40 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Mercer et al (U.S. 7,043,477 B2) in view of Gaussier et al (U.S. 2003/0101187 A1).

♦ As per claims 1, 15

Mercer discloses a method of managing a media file database (DB), the method is performed by

a media file DB managing system, the method comprising:

-     " Searching for media files" corresponds to the media file that the user input to the

    system (See col. 7, lines 1 – 2, Fig. 5, col. 7, lines 58 – col. 8, lines 2 of Mercer).

- " Creating file directories based on metadata of the media files" corresponds to the directory that the user creates (col. 7, line 67, Fig. 2A, col. 5, lines 40 – 48 of Mercer). The metadata corresponds to the metadata that the system obtains from the media file (See col. 7, lines 1 – 2, Fig. 5, col. 7, lines 58 – col. 8, lines 2 of Mercer).

- "Displaying a tree structure of the created file directories" See Fig. 2A, fig. 6, Fig. 7. Mercer teaches that in one example "the menu/playlist structure is displayed as a scrolling tree-view with check boxes next to each menu or playlist item" (col. 10, line48 – 49). Therefore, Mercer clearly teaches the claim invention "a tree structure".

- " And creating link files for the media files in the file directories" corresponds to the pointer that links to another location (See col. 5, lines 15 – 16, col. 6, lines 43 – 50, col. 7, lines 8 – 10, col. 19, lines 35 - 40 of Mercer).

- "Executing a media file management program" corresponds to process that the user activates the program to edit or playback the media (Fig. 7 or 13). The media file management program corresponds to the software program in the Mercer system that creates the directory (col. 6, lines 60 – 63, col. 4, lines 39 – 42 of Mercer).

- "Reading and navigating the created file directories using the media file management program" See Fig. 7 of Mercer.

Mercer discloses a manual technique for creating the directory, not "automatically creating" the file directory. However, In re Venner, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958), the court held that broadly providing an automatic or mechanical means to replace a manual activity which accomplished the same result is not sufficient to distinguish over the prior art.

In addition, the "automatically creating" is a well-known process. Gaussier provides an

example. Gaussier teaches a method/system for category document based on the words in the

document and provides the output in a hierarchical format (see the abstract). In particular,

Gaussier teaches " Alternatively, the "title" for each cluster/node may be determined

automatically by processor 102" [page 9, paragraph 0095].

It would have been obvious to one with ordinary skill in the art at the time the invention

was made to apply the teaching of Gaussier into the invention of Mercer since both invention

was available at the time, and the combination would reduce the time and labor for the user in

creating the directory by using the automatic process.

♦ As per claim 2,

Mercer discloses a method of managing a media file database (DB), the method is performed by

a media file DB managing system, the method comprising:

- " Searching for media files" corresponds to the media file that the user input to the

    system (See col. 7, lines 1 – 2, Fig. 5, col. 7, lines 58 – col. 8, lines 2 of Mercer).

- " Creating file directories based on metadata of the media files" corresponds to the

    directory that the user creates (col. 7, line 67, Fig. 2A, col. 5, lines 40 – 48 of Mercer).

    The metadata corresponds to the metadata that the system obtains from the media file

    (See col. 7, lines 1 – 2, Fig. 5, col. 7, lines 58 – col. 8, lines 2 of Mercer).

- "Displaying a tree structure of the created file directories" See Fig. 2A, fig. 6, Fig. 7.

    Mercer teaches that in one example "the menu/playlist structure is displayed as a

    scrolling tree-view with check boxes next to each menu or playlist item" (col. 10, line48

    – 49). Therefore, Mercer clearly teaches the claim invention "a tree structure".

- " And copying the media files to the file directories as copied media files" corresponds to the directory that stores all the files within it (see col. 22, lines 42 – 44, Fig. 15 – 16 of Mercer). See Fig. 1, the file is load into the computer 110. Mercer teaches that " the computer 102 stores media content on a computer readable medium 110 for use by a media player program associated with a consumer electronic device 112". Therefore, the files must be copied to the file directories as copied media files.

- "Executing a media file management program" corresponds to process that the user activates the program to edit or playback the media (Fig. 7 or 13). The media file management program corresponds to the software program in the Mercer system that creates the directory (col. 6, lines 60 – 63, col. 4, lines 39 – 42 of Mercer).

- "Reading and navigating the created file directories using the media file management program" See Fig. 7 of Mercer.

Mercer discloses a manual technique for creating the directory, not "automatically creating" the file directory. However, In re Venner, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958), the court held that broadly providing an automatic or mechanical means to replace a manual activity which accomplished the same result is not sufficient to distinguish over the prior art.

In addition, the "automatically creating" is a well-known process. Gaussier provides an example. Gaussier teaches a method/system for category document based on the words in the document and provides the output in a hierarchical format (see the abstract). In particular, Gaussier teaches " Alternatively, the "title" for each cluster/node may be determined automatically by processor 102" [page 9, paragraph 0095].

It would have been obvious to one with ordinary skill in the art at the time the invention

was made to apply the teaching of Gaussier into the invention of Mercer since both invention

was available at the time, and the combination would reduce the time and labor for the user in

creating the directory by using the automatic process.

♦ As per claims 4 - 5, 18 – 19, the combination of Mercer and Gassier disclose:

- "Wherein in the searching for the media files further comprises setting a search range for

   the media files and searching for the media files within the set search range" See Fig. 7,

   wherein the user can set the search range such as songs by artist, by album or by genre.

♦ As per claims 6, 20, the combination of Mercer and Gassier disclose:

- "Wherein in the creating the file directories, the file directories are created based on

   criteria set by a user and metadata corresponding to the criteria" See Fig. 2A, col. 5, lines

   40 – 62, Fig. 5, col. 7, lines 58 – 67 of Mercer.

♦ As per claims 7, 21, the combination of Mercer and Gassier disclose:

- "Wherein the creating the file directories comprises editing a configuration of the file

   directories according to a selection of the user" See col. 10, lines 43 – 65 of Mercer.

♦ As per claims 8, 22, the combination of Mercer and Gassier disclose:

- "Wherein in the creating the file directories, a file directory is created according to

   criteria set by a user and subdirectories are created by automatically classifying metadata

   corresponding to the criteria" See col. 8, lines 41 – col.10, lines 40 wherein the user can

   create a directory according to criteria set by the user.

♦ As per claims 9 - 10, 12 – 13, 23 – 24, the combination of Mercer and Gassier disclose:

- "Further comprising automatically updating the link files after repeating at regular intervals of time, the searching for the media files, the creating file directories, and the creating the link files" the system must update the information since the metadata is parsed whenever the media file is inputted to the system. If the file has changed the location the metadata must indicate it and the link will be updated.

♦ As per claims 11, 14, 25 - 26, the combination of Mercer and Gassier disclose:

- "Wherein the searching for the media files comprises searching for media files stored in a first storage medium, the creating the file directories comprises creating a file directory in a second storage medium, and the creating link files comprises creating the link files for the media files in the second storage medium" See col. 5, lines 15 – 16, col. 6, lines 43 – 50, col. 7, lines 8 – 10, col. 19, lines 35 - 40 of Mercer.

♦ As per claims 15 - 16, the combination of Mercer and Gassier disclose:

With similar limitations as in claim 1 further claims 15 - 16 comprising:

- " A search means" (Fig.1 and 10 of Mercer).

- " A first storage means for storing the media files and metadata of the media files" corresponds to the memory in computer 102, Fig. 1, element 110, Fig. 10, element 134 of Mercer.

- " A control means" corresponds to the processing unit in Fig. 10 of Mercer.

- " A creation means" and "a copy means" corresponds to the processing unit in Fig. 10, col. 18, lines 1 - 11 of Mercer.

- " A display means" Fig. 10, element 180, 182, col. 18, lines 12 – 27 of Mercer.

♦ As per claims 27 – 28, the combination of Mercer and Gassier disclose:

- " Windows explorer" See col. 1, lines 30 – 34, col. 17, lines 4 – 47 of Mercer.

♦ As per claims 29 - 36, the combination of Mercer and Gassier disclose:

- " The file directories are created by level of the tree structure according to user selection"

    See Fig. 2A, fig. 6, Fig. 7. Mercer teaches that in one example "the menu/playlist

    structure is displayed as a scrolling tree-view with check boxes next to each menu or

    playlist item" (col. 10, line48 – 49). Therefore, Mercer clearly teaches the claim

    invention "a tree structure". Fig. 7 is an interface allowing the user to edit the directory.

    Therefore, the user can choose the level of the tree structure to edit the media.

♦ As per claims 37 - 40, the combination of Mercer and Gassier disclose:

- " Windows Explorer" see col. 18, lines 28 – 45 of Mercer.

Response to Arguments

5.   Applicant's arguments with respect to claims 1 – 2, 4 – 16, 18 - 40 have been considered

but are moot in view of the new ground(s) of rejection.

Conclusion

6.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to CamLinh Nguyen whose telephone number is (571) 272 - 4024.

The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Apu Mofiz can be reached on (571) 272 - 4080. The fax phone number for the

organization where this application or proceeding is assigned is 571 – 273 - 8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nguyen, Cam-Linh

Art Unit 2161

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